

ADJOURNMENT.

On motion of Mr. Bass, the House at 5:20 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills as follows:

Appropriations: House bill No. 342.
 Agriculture: House bills Nos. 339, 340, 199, 198, 192, 228.
 Education: House bills Nos. 323, 330, 338.
 Judiciary: House bills Nos. 229, 240, 261, 322, 230; Senate bills Nos. 63, 55.
 Labor: House bills Nos. 161, 298, 316, 122.
 Public Lands and Buildings: House bill No. 57.
 Roads, Bridges and Ferries: House bills Nos. 244, 241.
 Constitutional Amendments: House bill No. 320.
 Revenue and Taxation: House bill No. 220; Senate bill No. 45.

The following standing committees filed adverse reports today on bills as follows:

Judiciary: House bills Nos. 280, 292.
 Labor: House bills Nos. 315, 296, 312.
 Oil, Gas and Mining: House bill No. 205.
 Revenue and Taxation: House bill No. 233.

REPORT OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,
 Austin, Texas, February 2, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 25, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99 of the General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10, of the General Laws

of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 35, General Laws of the Thirty-sixth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include Bowie and Marion counties, and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act to amend Chapter 75, pages 140 and 141, of the General Laws of the Regular Session of the Thirty-fifth Legislature, which was an act amending Articles 1521, 1522, 1543, 1544 and 1526, of Revised Civil Statutes of 1911, defining the original and appellate jurisdiction of the Supreme Court of Texas and regulating the practice therein."

And find the same correctly engrossed.
 SNEED, Chairman.

REPORT OF COMMITTEE ON EN-ROLLED BILLS.

Committee Room,
 Austin, Texas, February 2, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 6, Relating to growing and marketing cotton.

Have carefully compared same and find it correctly enrolled, and have this day, at 4:30 o'clock p. m., presented same to the Governor for his approval.

THRASHER, Vice Chairman.

EIGHTEENTH DAY.

(Thursday, February 3, 1921.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Black, O. B.,
Aiken.	of Bexar.
Baker.	Black, W. A.,
Baldwin.	of Bexar.
Barker.	Bonham.
Barrett of Bell.	Brady.
Barrett of Fannin.	Branch.
Bass.	Brown.
Beasley	Bryant.
of Hopkins.	Burmeister.
Beasley	Burns.
of McCulloch.	Carpenter.
Binkley.	Childers.

Chitwood.	Moore.
Coffee.	Morris of Medina.
Cox.	Morris
Crawford.	of Montague.
Cummins.	Mott.
Darroch.	Neblett.
Davis, John E.,	Owen.
of Dallas.	Patman.
Davis, John,	Perkins
of Dallas.	of Cherokee.
Duffey.	Perkins of Lamar.
Duncan.	Perry.
Edwards.	Pollard.
Estes.	Pool.
Fly.	Pope.
Fugler.	Quaid.
Garrett.	Quicksall.
Greer.	Quinn.
Grissom.	Rice.
Hall.	Rogers of Harris.
Hanna.	Rogers of Shelby.
Hardin.	Rosser.
Harrington.	Rountree.
Harrison.	Rowland.
Henderson	Satterwhite.
of McLennan.	Schweppe.
Henderson	Seagler.
of Marion.	Shearer.
Hendricks.	Sims.
Hill.	Smith.
Horton.	Sneed.
Johnson	Stephens.
of Gillespie.	Stevenson.
Johnson	Stewart
of Wichita.	of Edwards.
Jones.	Stewart of Reeves.
Kacir.	Swann.
Kellis.	Sweet of Brown.
King.	Sweet of Tarrant.
Kveton.	Teer.
Lackey.	Thomas
Laird.	of Limestone.
Laney.	Thomason.
Lauderdale.	Thompson
Lawrence.	of Harris.
Leslie.	Thompson
Lindsey.	of Red River.
Looney.	Thor.
McDaniel.	Thrasher.
McFarlane.	Veatch.
McKean.	Wadley.
McLeod.	Walker.
Malone.	Wallace.
Martin.	Webb.
Marshall.	Wessels.
Mathes.	West.
Melson.	Williams
Menking.	of McLennan.
Merriman.	Williams
Miller of Dallas.	of Montgomery.
Miller of Parker.	Wright.
Morgan.	

Absent.

Beavens.
Johnson of Ellis.

Neinast.

Absent—Excused.

Burkett.	Faubion.
Crumpton.	McCord.
Curtis.	Westbrook.
Dinkle.	

A quorum was announced present.
Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVE OF ABSENCE GRANTED.

The following member was granted leave of absence on account of important business:

Mr. Pope for last Monday and Tuesday, on motion of Mr. Thomason.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Brown:

H. B. No. 359. A bill to be entitled "An Act fixing the venue in prosecution for bigamy, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Harrison:

H. B. No. 360. A bill to be entitled "An Act to amend Article 3883 of Chapter 40 of the General Laws of the State of Texas passed by the Thirty-sixth Legislature at its Third Called Session, regulating the fees allowed county officers in certain counties of this State, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Melson:

H. B. No. 361. A bill to be entitled "An Act to appropriate five million dollars (\$5,000,000) out of the general funds of the State to aid the public schools for the scholastic year beginning September 1, 1921, and ending August 31, 1922, the same to be distributed as the available school fund is now distributed."

Referred to Committee on Appropriations.

By Mr. Rogers of Shelby, Mr. Harrison, Mr. Shearer, Mr. Hendricks, Mr. Johnson of Ellis, Mr. Adams, Mr. Cox, and Mr. Satterwhite:

H. B. No. 362. A bill to be entitled "An Act regulating the sanitation of hotels, lodging houses, restaurants, eating houses, lunch counters and all pub-

lic buildings; prohibiting the employment of persons having specified contagious diseases in these places; specifying methods of cleaning and disinfection after exposure to contagious diseases; making it lawful for the State Health Officer to order the destruction of bedding, clothing or other articles in such places, when he considers it necessary after these articles have been exposed to dangerous infectious diseases; making it the duty of municipal and county authorities in such cases to furnish reasonable compensation to the owners for such destroyed articles; defining the terms, hotels, lodging houses, restaurants and public buildings within the meaning of this act; vesting the authority to carry out and enforce the provisions of the act in the State Health Officer through all health authorities, his assistants, and the courts; affixing a penalty for violations, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Rountree:

H. B. No. 363, A bill to be entitled "An Act to create a more efficient and better road system for Brazos county, Texas; making county commissioners ex-officio road commissioners of their respective precincts; prescribing their duties of road overseers; providing a compensation of \$2.00 per day for overseers for each day's service per year in excess of five days; providing certain duties for county treasurer; providing for summoning of persons liable for road duty; providing that any person liable for road duty any year shall be exempt upon the payment of \$6.00 into the county treasury; providing for money payment in lieu of work after summons and before date of work; providing for the condemning of any land necessary for road purposes; providing this act is cumulative of the general laws, and fixing penalties, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Pollard and Mr. Thrasher:

H. B. No. 364, A bill to be entitled "An Act amending Article 2939, Chapter 4, Title 49, Revised Civil Statutes of the State of Texas of 1911, as amended by Senate bill No. 33, Chapter 40, General Laws of the State of Texas, passed at the First Called Session of the Thirty-fifth Legislature and approved May 26, 1917, regulating elections, prescribing certain qualifications

of voters, and providing for absentee voting."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Laney:

H. B. No. 365, A bill to be entitled "An Act to amend Sections 21, 38, 44 and 47 of Chapter 44, Acts of the Thirty-fifth Legislature, Fourth Called Session, approved April 2, 1918, and also to amend Section 56 of said Chapter 44 as amended by Chapter 135, Acts of the Thirty-sixth Legislature, Regular Session, approved March 24, 1919, defining the powers and duties of the commissioners of appraisal of levee improvement districts and providing for their compensation and hearing on their report; authorizing commissioners' courts to levy and cause to be assessed and collected the necessary taxes in such districts, defining the duties of the treasurer of the district, and providing that county auditors shall have no control over the finances of any levee improvement district; defining the powers and duties of the district supervisors and others with regard to contracts for construction work; providing for revision of the assessment of benefits and damages in such districts, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Cox:

H. B. No. 366, A bill to be entitled "An Act to amend Article 3367, Title 58, Chapter 3, of the Revised Civil Statutes of 1911, and Article 1175, Title 15, Chapter 4, of the Code of Criminal Procedure of 1911, providing for the increase of the fees of justices of the peace in this State in civil and criminal cases, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Lindsey:

H. B. No. 367, A bill to be entitled "An Act creating the Mount Pisgah Independent School District No. 2 in Tyler county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing for the election of a board of trustees, and for their successors in office, and declaring an emergency."

Referred to Committee on Education.

By Mr. Hardin:

H. B. No. 368, A bill to be entitled "An Act amending Chapter 68 of the General Laws of the Regular Session of the Thirty-third Legislature relative to hours of labor for certain public work so as to eliminate from the provisions of said statute counties, municipalities and political subdivisions of the State or any county or municipality, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Cox, Mr. Henderson of Marion and Mr. Jones:

H. B. No. 369, A bill to be entitled "An Act to amend Article 865b of the Code of Criminal Procedure of 1911 by including among the exceptions provided for in said statute the offenses of manslaughter, rape and theft of any automobile, and by further providing that the proof to the effect that defendant has never before been convicted of a felony shall be made by two witnesses other than the defendant, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, February 3, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 133, A bill to be entitled "An Act to amend Section 1 of Senate bill No. 399, Chapter 58, page 178, of the Local and Special Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, entitled 'An Act creating the Benavides Independent School District, situated in Duval county; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor, and declaring an emergency,' and to amend Section 1, of Senate bill No. 81, Chapter 91, page 279, of the Local and Special Laws passed at the Third Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to amend Section 1 of Senate bill No. 399, Chapter 54, page 178, of the Local and Special Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, entitled

"An Act creating the Benavides Independent School District, situated in Duval county; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor, and declaring an emergency," and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

BILL ORDERED NOT PRINTED.

On motion of Mr. Owen, it was ordered that House bill No. 357 be not printed.

On motion of Mr. Johnson of Gillespie, it was ordered that House bill No. 188 be not printed.

SENATE BILL NO. 7 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 7, A bill to be entitled "An Act providing that all automobiles, trucks and other motor vehicles owned by the State of Texas, or any department thereof, shall have printed in letters not less than two inches in height on each side thereof the word 'Texas,' followed by the name of the department of the State government controlling such vehicle; providing a penalty for using such vehicle not so designated, and declaring an emergency."

The bill was read third time.

Mr. Darroch offered the following amendment to the bill:

Amend caption to Senate bill No. 7 by inserting after the word "designated," in line 26, the following:

"And providing a penalty for the use of any such vehicle for any purpose except in the transaction of business for the State of Texas."

The amendment was adopted.

Senate bill No. 7 was then passed.

Mr. Burmeister moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 65 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 65, A bill to be entitled "An Act to require the giving of an additional supersedeas bond in cases pending on appeal or writ of error in

Supreme Court or the Court of Civil Appeals, wherever, after the execution of the original bond, the same becomes insufficient by reason of the death or insolvency of the sureties on such bond, or from any other cause, and providing for the repeal of all laws in conflict herewith, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 78 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 78, A bill to be entitled "An Act to amend Chapter 156, Section 1, of an act of the Thirty-fourth Legislature of the State of Texas, known as an act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts and fixing certain fees and the penalty for violation thereof to include within the provisions of such act individuals, partnerships, associations and corporations doing business under a plan of operation known as Lloyds, and declaring an emergency."

The bill was read second time.

On motion of Mr. Malone, the bill was laid on the table subject to call.

HOUSE BILL NO. 91 ON ENGROSSMENT.

Mr. Adams called up for consideration at this time, on its passage to engrossment,

H. B. No. 91, A bill to be entitled "An Act to amend Sections 1 and 7 (designated in the caption of the act to be amended as Sections 1494a and 1494f of Chapter 2 of Title 29 of the Revised Statutes of 1911) of Senate bill No. 6, passed at the Regular Session of the Thirty-fourth Legislature, entitled 'An Act to amend Chapter 2 of Title 29 of the Revised Statutes of 1911, by adding thereto Articles 1494a, 1494b, 1494c, 1494d, 1494e, 1494f, 1494g, 1494h and 1494j, so as to place the finances of all improvements, navigation, drainage, road or irrigation districts, and all other districts that are now in existence by authority of law, or that may hereafter be created, under the control and supervision of the county auditor, in all counties containing a population of one hundred and ten thousand or more, as shown by the United States census of 1910, in which there now exists a county auditor, or in which a

county auditor may hereafter be created, and providing for the filing, auditing and approving by him of all bills of said districts, and providing a method of drawing and paying said warrants, and providing for the prescribing of all necessary forms and the supervision by the auditor of the various funds of said districts, etc., and repealing all laws in conflict therewith, and declaring an emergency."

The bill having heretofore been read second time and laid on the table subject to call.

Mr. Adams offered the following amendment to the bill:

Amend by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 1 (otherwise designated as Article 1494a, Chapter 2, Title 29, the Revised Statutes of 1911), passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, be, and the same is hereby amended so as to read as follows:

Article 1494a. That in all counties having a county auditor, or in which the office of county auditor may be hereafter created, and having a population of one hundred and ten thousand or more, as shown by the last United States census, in which such county there now exists, or in which there may be hereafter created any improvement, navigation, drainage, road or irrigation district, or any other character of district having for its purpose the expenditure of public funds for improvement purposes, whether derived from the issuance of bonds or through any character of special assessment, the county auditor shall exercise such control over the finances of said districts as is hereafter provided; provided, that this act shall include any and all districts now in existence, or that may hereafter be legally created, whether specifically named herein or not, provided, that said district or districts are created for the purpose of expending district funds for improvements of any kind.

Sec. 2. That Section 6 (otherwise designated as Article 1494f, Chapter 2, Title 29, of the Revised Statutes of 1911), passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, be and the same is hereby amended so as to read as follows:

Article 1494f. The county auditor shall receive for his services in auditing the affairs of such navigation, drainage, road improvement, or other districts,

such compensation as the commissioners court may prescribe, which shall be paid by the county out of the general fund and repaid to the county by such districts by warrants drawn upon the proper funds of such district; provided, that in counties in which there may now exist, or in which there may be hereafter created as many as five such districts, the compensation allowed the county auditor for his services on behalf of such district shall be not less than the sum of twelve hundred dollars per annum, to be prorated among the districts in such proportion as the commissioners court may determine.

Sec. 3. Any and all laws or parts of laws in conflict herewith be and the same are hereby expressly repealed.

Sec. 4. Because of the requirements for this amended act and the necessity that the terms of same shall extend to all counties having an auditor, and having a population of one hundred and ten thousand or more, as shown by the last United States census, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage and it is so enacted.

Mr. Owen offered the following amendment to the amendment:

Amend the bill by inserting after the word "districts," on line 25, page 2, according to the printed bill, the following words: "In all counties having a population of 110,000 people."

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

Mr. Stewart of Reeves offered the following amendment to the bill:

Amend House bill No. 91 by striking out the words "irrigation districts or water improvement districts" wherever it appears in the bill.

The amendment was adopted.

House bill No. 91 was then passed to engrossment.

HOUSE BILL NO. 58 ON ENGROSSMENT.

Mr. Jones called up for consideration at this time, on its passage to engrossment.

H. B. No. 58, A bill to be entitled "An Act to amend Article 325, Title 12, of the Revised Civil Statutes of 1911, so as to permit proceedings under said articles regardless of indictment, crim-

inal prosecution or conviction for any of the matters therein named."

The bill having heretofore been read second time and laid on the table subject to call.

House bill No. 58 was then passed to engrossment.

HOUSE BILL NO. 26 ON ENGROSSMENT.

The Speaker laid before the House as postponed business, on its passage to engrossment.

H. B. No. 26, A bill to be entitled "An Act to regulate and supervise the sale and purchase in the State of Texas of stocks, stock certificates, bonds, debentures or other securities, and the transaction of business in this State of persons, joint stock companies, common law trusts, co-partnerships, companies or other persons or organizations offering for sale in this State such securities excepting companies incorporated under the laws of the State of Texas, and declaring an emergency."

The bill having been read second time on Thursday, January 27.

Mr. Darroch offered the following amendment to the bill:

Amend House bill No. 26 by striking out the word "twenty," in line 33, page 2, and insert "fifteen" in lieu thereof.

The amendment was adopted.

Mr. Johnson of Wichita offered the following amendment to the bill:

Amend House bill No. 26 after the word "Texas," in line 20, page 1, add "and excepting such companies in which no stock is offered for sale to the public."

The amendment was adopted.

Mr. Marshall moved to postpone further consideration of the bill indefinitely.

On motion of Mr. Horton, the motion to postpone was tabled.

Mr. Johnson of Wichita offered the following amendment to the bill:

Amend House bill No. 26 by adding after the words "Attorney General," in line 20, page 2, the words "and the Chief Clerk of the Oil and Gas Division of the Railroad Commission."

The amendment was adopted.

House bill No. 26 was then passed to engrossment.

HOUSE BILL NO. 68 ON ENGROSSMENT.

The Speaker laid before the House as postponed business, on its passage to engrossment,

H. B. No. 68, A bill to be entitled

"An Act to amend Section 1, Chapter 16, being an act of the Regular Session of the Thirty-fifth Legislature, 1917, as amended by Chapter 58, being an act of the Regular Session of the Thirty-fifth Legislature, 1917, relating to the creation of a juvenile board within certain counties of the State, and prescribing the duties and powers of such board, including the appointment by it of probation officers, and providing for the payment of compensation to such officers; allowing the said district judges an additional salary, to be paid out of the general fund of such county, and declaring an emergency."

The bill having been read second time, Monday, January 31.

House bill No. 68 was then passed to engrossment.

HOUSE BILL NO. 103 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 103, A bill to be entitled "An Act amending Article 5694, Title 87, Chapter 2, relating to limitations of vendor's lines and implied liens in real estate and barring same in four years from maturity."

The bill was read second time.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 103 by adding at the end of said bill the following:

"Provided, the vendor's lien is not barred by the statute of limitation until four years after the last note of a series of notes shall become due; and provided further, that even though the notes may be barred, the vendor's lien may be revived by agreement of the proper parties as provided by Article 5695 of the Revised Civil Statutes."

On motion of Mr. Rosser the amendment was tabled.

Mr. Miller of Dallas moved to lay the bill on the table subject to call, and the motion was lost.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 103 was passed to engrossment by the following vote:

Yeas—76.

Adams.	Beasley
Aiken.	of McCulloch.
Baker.	Black, O. B.,
Barrett of Fannin.	of Bexar.
Beasley	Branch.
of Hopkins.	Bryant.

Burmeister.	Mathes.
Burns.	Melson.
Childers.	Menking.
Chitwood.	Miller of Parker.
Cox.	Moore.
Cummins.	Patman.
Darroch.	Perkins of Lamar
Davis, John E.,	Pollard.
of Dallas.	Quicksall.
Davis, John,	Rice.
of Dallas.	Rogers of Harris.
Duffey.	Rogers of Shelby.
Estes.	Rosser.
Fugler.	Rountree.
Greer.	Rowland.
Grissom.	Satterwhite.
Hall.	Schwappe.
Henderson	Seagler.
of Marion.	Sims.
Hill.	Stephens.
Horton.	Stevenson.
Johnson	Stewart
of Gillespie.	of Edwards.
Johnson	Stewart of Reeves.
of Wichita.	Swann.
Kellis.	Sweet of Brown.
King.	Sweet of Tarrant.
Kveton.	Teer.
Lackey.	Thomas
Laird.	of Limestone.
Laney.	Thomason.
Lauderdale.	Thorn.
Lindsey.	Thrasher.
Looney.	Wadley.
McDaniel.	Wessels.
McKean.	Williams
McLeod.	of McLennan.
Marshall.	Wright.

Nays—51.

Baldwin.	Lawrence.
Barker.	Leslie.
Barrett of Bell.	McFarlane.
Bass.	Martin.
Beavens.	Merriman.
Binkley.	Miller of Dallas.
Black, W. A.,	Morris of Medina.
of Bexar.	Morris
Bonham.	of Montague.
Brady.	Mott.
Brown.	Neblett.
Carpenter.	Owen.
Coffee.	Perkins
Crawford.	of Cherokee.
Duncan.	Perry.
Edwards.	Pool.
Fly.	Pope.
Hanna.	Quaid.
Hardin.	Quinn.
Harrington.	Shearer.
Henderson	Smith.
of McLennan.	Sneed.
Hendricks.	Thompson
Johnson of Ellis.	of Harris.
Jones.	Thompson
Kacir.	of Red River.

Veatch.	West.
Wallace.	Williams
Webb.	of Montgomery

Absent.

Garrett.	Morgan.
Harrison.	Neinast.
Malone.	Walker.

Absent—Excused.

Burkett.	Faubion.
Crumpton.	McCord.
Curtis.	Westbrook.
Dinkle.	

Mr. Rosser moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

TO INVESTIGATE PENITENTIARY AFFAIRS.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 10, Relating to investigation of affairs in State Penitentiary.

Whereas, Charges of brutality and mistreatment by officers and employees of the State Penitentiary towards the convicts in said institution have been repeatedly made; and

Whereas, If said conditions exist in said institution, the same is in gross violation of the laws of this State, and a reflection upon the integrity of the officers and people of this State and should no longer be tolerated; and

Whereas, It is important to the people of Texas that they should be fully advised as to the truthfulness of these charges, and that all misconduct with reference to penitentiary affairs should be corrected: now, therefore, be it

Resolved by the Senate, the House of Representatives concurring. That a committee of nine be appointed, four by the President of the Senate from the membership of the Senate, and five by the Speaker of the House of Representatives, from the membership of the House, to fully investigate the conduct of the State Penitentiary affairs, and especially as to the treatment or mistreatment of the convicts by officers and employees of the institution; and that said committee be authorized to formulate its own rules of conduct and procedure, to fix such time or times and place or places for the conducting of this investigation, to administer oaths, to subpoena and compel the attendance of such witnesses at said hearings as they

may deem necessary, to provide for the execution of all process and to guarantee immunity from punishment to any and all convicts called before such committee for giving information or testimony to or before said committee or any sub-committee thereof, and to take such steps as may be necessary for securing the attendance of such convicts as they may desire, and to assume control over such convicts in their attendance before said committee, and in giving all testimony in this hearing; to provide for the payment of the expenses of all witnesses summoned to appear before said committee; to employ and pay such stenographers and clerks as may be necessary in the reporting of the hearings by said committee and making the transcript of the testimony taken thereat.

That the expenses incurred by the members of said committee, including their hotel bills, board and transportation, as well as all other necessary and proper expenses, be paid out of the contingent fund of the Thirty-seventh Legislature.

That said committee make its report of such investigation and its recommendations based thereon to this Legislature, if in session, and, if not in session, then to the Governor of the State of Texas as soon as possible after the completion of such investigation.

The resolution was read second time, and was adopted.

RECESS.

Mr. Thomason moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Miller of Dallas moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Miller of Dallas prevailed, and the House accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

SENATE BILL ON FIRST READING.

The following Senate bill received from the Senate today was laid before the House, read first time and referred to the appropriate committee, as follows:

Senate bill No. 133, to the Committee on Education.

VOTE ON SENATE CONCURRENT RESOLUTION NO. 10.

Mr. Teer moved to reconsider the vote by which Senate Concurrent Resolution No. 10 was adopted and to table the motion to reconsider.

The motion to table prevailed.

RELATING TO PORTRAIT OF MRS. SEVIER.

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 13, Granting Daughters of the Republic permission to hang portrait of Mrs. Sevier in Capitol building.

Whereas, The Daughters of the Republic are contemplating having a portrait of Mrs. Clara Driscoll Sevier painted for the purpose of having same hung in the Capitol of Texas; and

Whereas, Before having said portrait painted they desire to secure permission to hang same in the Capitol; now, therefore, recognizing the great and patriotic service rendered the State of Texas by Mrs. Sevier, and remembering with deep gratitude the sacrifices she made to save the Alamo property to the State of Texas when same was in danger of being lost to the State, and believing that this would be but a slight recognition of that great service which she has rendered, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That permission be granted the Daughters of the Republic to hang in the Capitol building of Texas a portrait of Mrs. Sevier, and that upon the completion of said portrait the same be received and hung in a suitable place and with appropriate ceremonies.

The resolution was read second time and was adopted.

MESSAGE FROM THE GOVERNOR.

Miss Annie Houghton, secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

February 3, 1921.

To the Members of the Senate and House of Representatives.

Gentlemen: While the present law takes the control of the penitentiary system out of the hands of the Governor and places it on the shoulders of the Prison Commission, yet it remains true that the Governor and the Legislature

are jointly charged with the responsibility of its management. For many years the entire State Penitentiary system has been under a cloud. Governors for twenty years have been embarrassed by it, and I dare say have gone out of office with sadness in their hearts on account of reports concerning it. The penitentiary system seems to have been, in its operation, too much of a government to itself, by itself, and for itself. Many, many charges of brutality, of inhuman treatment of convicts, of drunkenness and immoral conduct on the part of employees, of lack of proper moral environments, of financial wrongs, of juggling of facts, of mixing of figures, of leaks and grafts, have been laid, by reports to me almost daily since my election, at the door of the present management of the penitentiary system. I do not know that any of these charges are true. I do not even suggest that they are true. If they are untrue, the State owes it to the Prison Commission to vindicate them before the world. If they are untrue, it will afford me pleasure, as Governor, to stand by their side and defend them against all slander, from whatsoever source. If the charges made are true, the Prison Commissioners who are responsible for such conditions should be immediately removed from office. Therefore, in order that the truth may be known, I suggest that the Lieutenant Governor and the Speaker of the House be authorized to appoint at once an informational committee, consisting of not less than three nor more than five intelligent, honest, courageous citizens of the State, not now holding public office, to visit the penitentiary and gather all the information possible along the following lines:

First—The present financial status of the penitentiary.

Second—The method and means of handling convicts.

Third—The system of punishment administered to those who disobey the rules of the Commission.

Fourth—The moral environment of the penitentiary.

Fifth—The habits of the employees of the penitentiary, from the highest to the lowest, as to drunkenness, gambling and moral habits generally.

Sixth—The agencies used looking to the spiritual welfare of the convicts.

I further suggest that this information be furnished to the Governor at the earliest date possible, to be by him transmitted to the Legislature, together with his recommendations, all of which

to be used by the Legislature as said law-making body may deem wise.

Yours for a one hundred per cent penitentiary system.

PAT M. NEFF,
Governor.

MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, February 3, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 88, A bill to be entitled "An Act creating and incorporating the Pennington Independent County Line School District of Trinity and Houston counties, Texas, for free school purposes only; defining its boundaries; vesting it with all the rights, powers, duties and privileges of independent school districts under the general laws of Texas pertaining thereto; providing for a board of trustees; raising of revenue by taxation; issuing bonds and maintaining public free schools therein; vesting all lands, buildings and other property owned and held for public free school purposes in said district; providing that all outstanding bonded indebtedness of the Pennington Common County Line District No. 30 of said counties shall be validated and made valid obligations against the Pennington County Line School District of Trinity and Houston counties, Texas, and declaring valid a maintenance and bond tax heretofore voted by said Pennington Common County Line School District, and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act extending the boundaries of the Trinity Independent School District, enlarging the same and defining its boundaries, and providing that the management and control of all public free schools within said enlarged district shall be vested in the present board of public school trustees of the Trinity Independent School District and their successors in office, as now provided in the general laws of the State of Texas, and conferring upon boards of public school trustees of independent school districts; and providing that such added land and territory shall not be in any manner subjected to the payment of any portion of the bonded indebtedness now outstanding against the present Trinity Independent School District, the district as it existed prior to the enlargement thereof prior to the

passage of this act, and providing that none of the land, territory and property by this act added to said Trinity Independent School District shall be subjected to the payment of any portion of the local maintenance tax now levied, assessed and collected in said district, except in so far as the same may have been heretofore levied and assessed by a vote of the people, etc."

H. B. No. 130, A bill to be entitled "An Act creating the El Jardin Independent School District in Cameron county, Texas, and defining its boundaries; providing for the election and qualification of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of the State for free school purposes only, and declaring an emergency."

H. B. No. 133, A bill to be entitled "An Act creating the Carrizo Springs Independent School District of Dimmit county; defining its metes and bounds; vesting it with the rights and powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing that all outstanding bonded indebtedness of Carrizo Springs Common School District No. 1 of Dimmit county, Texas, shall be validated and made a valid obligation against the Carrizo Springs Independent School District of Dimmit county, Texas; providing for a board of trustees therefor, and declaring an emergency."

H. B. No. 124, A bill to be entitled "An Act amending Chapter 57, Section 2, Local and Special Laws of the State of Texas, passed at the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, creating the Blythe County Line Independent School District in Gaines, Terry and Yoakum counties, by redefining and correcting the boundaries of said Blythe County Line Independent School District, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

SENATE BILL NO. 38 ON PASSAGE TO THIRD READING.

The Speaker laid before the House as a special order for this hour, on its passage to third reading,

S. B. No. 38, A bill to be entitled,

"An Act creating, establishing and providing for the maintenance of a State Tuberculosis Sanatorium for Negroes, and declaring an emergency."

The bill having been read second time on yesterday, with amendment by Mr. Stephens pending.

Mr. Miller of Dallas moved the previous question on the amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, it was lost.

Question next recurring on the passage of the bill to third reading, yeas and nays were demanded.

Senate bill No. 38 was passed to third reading by the following vote:

Yeas—92.

Adams.	Laird.
Aiken.	Lauderdale.
Baker.	Lindsey.
Baldwin.	McFarlane.
Barker.	McKean.
Bass.	McLeod.
Beasley	Martin.
of McCulloch.	Marshall.
Binkley.	Mathes.
Black, O. B.,	Menking.
of Bexar.	Merriman.
Black, W. A.,	Miller of Dallas.
of Bexar.	Morris of Medina.
Bonham.	Morris
Branch.	of Montague.
Bryant.	Neblett.
Burmeister.	Patman.
Childers.	Perkins
Crawford.	of Cherokee.
Cummins.	Perkins of Lamar.
Davis, John,	Pollard.
of Dallas.	Pool.
Duncan.	Pope.
Edwards.	Quaid.
Estes.	Quicksall.
Fly.	Quinn.
Garrett.	Rice.
Greer.	Rogers of Harris.
Grissom.	Rogers of Shelby.
Hall.	Rosser.
Hanna.	Rountree.
Harrington.	Schweppe.
Harrison.	Shearer.
Henderson	Sims.
of Marion.	Smith.
Hendricks.	Sneed.
Hill.	Stephens.
Horton.	Stevenson.
Johnson	Stewart of Reeves.
of Gillespie.	Swann.
Johnson of Ellis.	Thomason.
Jones.	Thompson
Kacir.	of Harris.
Kellis.	Thompson
Kveton.	of Red River.
Lackey.	Thorn.

Thrasher.
Veatch.
Wadley.
Wallace.
Webb.
Wessels.

West.
Williams
of McLennan.
Williams
of Montgomery.
Wright.

Nays—30.

Beasley	Laney.
of Hopkins.	Lawrence.
Brown.	Leslie.
Burns.	McDaniel.
Carpenter.	Melson.
Coffee.	Miller of Parker.
Cox.	Moore.
Darroch.	Mott.
Davis, John E.,	Owen.
of Dallas.	Perry.
Duffey.	Rowland.
Fugler.	Satterwhite.
Hardin.	Stewart
Henderson	of Edwards.
of McLennan.	Sweet of Brown.
Johnson	Thomas
of Wichita.	of Limestone.
King.	Walker.

Present—Not Voting.

Looney. Teer.

Absent.

Barrett of Bell.	Malone.
Barrett of Fannin.	Morgan.
Beavens.	Neinast.
Brady.	Seagler.
Chitwood.	Sweet of Tarrant.

Absent—Excused.

Burkett.	Faubion.
Crumpton.	McCord.
Curtis.	Westbrook.
Dinkle.	

Mr. O. B. Black of Bexar moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 46 ON ENGROSSMENT.

Mr. Darroch moved that House bill No. 46 be set as a special order for 3:20 o'clock p. m. today, and the motion was lost.

Mr. Darroch then called up for consideration at this time, on its passage to engrossment,

H. B. No. 46, A bill to be entitled "An Act to amend Section 3 of Chapter 73 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Chapter 113 of the General Laws of the Thirty-sixth

Legislature providing that the tax collector of each county shall transmit on Monday of each week, to the State Highway Department, fifteen per cent of the gross registration, chauffeur and transfer fees during the preceding week, and deposit the remaining eighty-five per cent in the county depository to the credit of the road and bridge fund of the county, to be expended by the commissioners court as is now provided; that all license fees collected on commercial and interurban commercial motor vehicles on a mileage basis shall be the property of the respective counties and be distributed in proportion to the mileage traveled in each county, and declaring an emergency; and also amending Section 5. Chapter 190, Acts of the Regular Session of the Thirty-sixth Legislature so as to provide that all salaries of employes of the State Highway Department, including engineer, shall be fixed by the Legislature."

The bill having heretofore been read second time and laid on the table subject to call.

Mr. Darroch offered the following amendment to the bill:

Amend House bill No. 46 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 3 of Chapter 73 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature, shall be amended so that said section shall hereby read as follows:

"Section 3. It shall be the duty of the tax collector to transmit on Monday of each week to the State Highway Department at Austin twenty-five (25) per cent of the gross registration, chauffeur or transfer fees collected during the week; the remaining seventy-five (75) per cent shall be deposited by the tax collector in the county depository of the county to the credit of the road and bridge fund of the county, to be expended by the commissioners court, upon designated highways or upon the first class roads of the county as said court may elect, under the provisions of the general law relating to the expenditure of such road and bridge funds. Provided, that all license fees collected on commercial and interurban motor-commercial vehicles on a mileage basis, or upon such other basis as may be provided by law from time to time, shall be the property of the respective counties and shall be distributed as herein

provided for and be paid to the county treasurer of such county by the officer collecting same."

Sec. 2. That Section 5 of Chapter 190, Acts of the Thirty-fifth Legislature, shall be so amended as to hereafter read as follows:

"Section 5. As soon as practicable after their qualification for office, the State Highway Commission shall elect a State Highway Engineer, who shall be a competent civil engineer experienced and skilled in highway construction and maintenance, and who shall receive such salary as shall from time to time be fixed by the Legislature, and shall be allowed such actual traveling and other expenses while absent from the State Capitol, in the performance of duties under the direction of the Commission, as may be fixed by the Legislature; and who shall hold his position until removed by the Commission. Before entering upon his duties, the State Highway Engineer shall execute a bond payable to the State of Texas in such sum as in the judgment of the Commission may be necessary conditioned upon the faithful performance of his duties, such bond to be approved by the Commission and filed with the Secretary of State. The Highway Engineer shall act with the Highway Commission in an advisory capacity, without vote, and he shall submit reports to the Commission quarterly, annually, and biennially, setting forth in detail the progress of road construction, and a statement detailing the expenditures therefor. The salary of the Chief Engineer and of all other employes of the State Highway Department, as well as the amounts to be expended by the said department for its departmental maintenance and running expenses, shall be fixed by the Legislature in making the appropriation from time to time, in the same manner and upon the same basis as the salary and maintenance of all other State departments are fixed and provided for."

Sec. 3. That Section 23, Chapter 190, Acts of the Thirty-fifth Legislature, Regular Session, is hereby amended so that said Section 23 shall hereafter read as follows:

"Section 23. All funds coming into the hands of the State Highway Commission derived from registration fees hereinabove provided for, or from other sources, shall, as collected, be deposited with the State Treasurer to the credit of a special fund designated as the 'State Highway Fund,' and shall be paid out only on warrants issued by

the State Comptroller upon vouchers drawn by the chairman of the Commission and approved by one other member of the Commission, such vouchers to be accompanied by itemized sworn statements of the items of expenditure covered by such vouchers.

"The State Highway Fund shall be expended by the State Highway Commission for the furtherance of public road construction and the establishment of the system of State highways as contemplated and set forth in this act."

Sec. 4. That all laws and parts of laws conflicting with the provisions of this act are hereby repealed.

Sec. 5. The fact that there are no adequate laws providing for a just and equitable distribution to the counties and the State of the funds derived from the registration fees and transfer fees of motor vehicles and chauffeur license, creates an imperative public necessity requiring suspension of the constitutional rule that all bills be read on three several days and the rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

Signed—King, Darroch, Hendricks.

Mr. Laney moved that the bill be set as a special order for 2 o'clock p. m. next Monday, and the motion was lost.

Mr. Williams of McLennan moved to lay the bill on the table subject to call, and the motion was lost.

Mr. Darroch moved that the bill be set as a special order for 3:45 o'clock p. m. today.

Mr. Horton raised a point of order on consideration of the motion on the ground that under the rules of the House a special order can only be set for a future day of the session.

The Speaker overruled the point of order.

Question recurring on the motion of Mr. Darroch to set the bill as a special order, it was lost.

Mr. Burmeister moved that the House adjourn until 10 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn was lost by the following vote:

Yeas—59.

Baker.	Bryant.
Baldwin.	Burmeister.
Bass.	Carpenter.
Black, O. B.,	Cox.
of Bexar.	Crawford.
Black, W. A.,	Cummins.
of Bexar.	Davis, John,
Bonham.	of Dallas.

Duffey.	Morgan.
Duncan.	Mott.
Estes.	Neblett.
Fly.	Patman.
Fugler.	Pool.
Hall.	Quaid.
Harrison.	Rosser.
Henderson	Rountree.
of McLennan.	Shearer.
Henderson	Smith.
of Marion.	Sneed.
Hill.	Stewart of Reeves.
Horton.	Teer.
Johnson	Thomason.
of Gillespie.	Thompson
Johnson	of Harris.
of Wichita.	Thorn.
Jones.	Thrasher.
Kellis.	Walker.
Lackey.	Wallace.
Laney.	Webb.
McFarlane.	West.
McKean.	Williams
McLeod.	of McLennan.
Mathes.	Williams
Menking.	of Montgomery
Miller of Dallas.	

Nays—68.

Adams.	Merriman.
Aiken.	Miller of Parker.
Barker.	Moore.
Beasley	Morris of Medina.
of Hopkins.	Morris
Beasley	of Montague.
of McCulloch.	Owen.
Binkley.	Perkins
Branch.	of Cherokee.
Brown.	Perkins of Lamar.
Burns.	Perry.
Childers.	Pollard.
Chitwood.	Pope.
Coffee.	Quicksall.
Darroch.	Quinn.
Davis, John E.,	Rice.
of Dallas.	Rogers of Harris.
Edwards.	Rogers of Shelby.
Garrett.	Rowland.
Greer.	Satterwhite.
Grissom.	Schweppe.
Hanna.	Seagler.
Hardin.	Sims.
Harrington.	Stephens.
Hendricks.	Stevenson.
Kacir.	Stewart
King.	of Edwards.
Kveton.	Swann.
Laird.	Sweet of Brown.
Lauderdale.	Sweet of Tarrant.
Lawrence.	Thomas
Leslie.	of Limestone.
Lindsey.	Thompson
Looney.	of Red River.
McDaniel.	Veatch.
Martin.	Wadley.
Marshall.	Wessels.
Melson.	Wright.

Absent.

Barrett of Bell. Johnson of Ellis.
Barrett of Fannin. Malone.
Beavens. Neinast.
Brady.

Absent—Excused.

Burkett. Faubion.
Crumpton. McCord.
Curtis. Westbrook.
Dinkle.

Question—Shall the amendment by Mr. Darroch to House bill No. 46 be adopted?

Mr. Williams of McLennan moved to lay the bill on the table subject to call.

Mr. Darroch moved that the bill be set as a special order for 11 o'clock a. m. tomorrow.

The motion of Mr. Darroch prevailed, and the bill accordingly was set as a special order for 11 o'clock a. m. tomorrow.

Mr. Burmeister moved that the House adjourn until 10 o'clock a. m. tomorrow, and the motion was lost.

HOUSE BILL NO. 115 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business on its passage to engrossment,

H. B. No. 115, A bill to be entitled "An Act to amend Article 7383, Revised Civil Statutes of the State of Texas, 1911, as amended by Acts of the Regular Session of the Thirty-sixth Legislature, Chapter 77, approved March 17, 1919, and found on pages 128, 129 thereof, requiring each and every individual, company, corporation or association of this or any other State or Territory or of the United States or any foreign country, which owns, controls, manages or leases any oil well within the State to make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller of Public Accounts, under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association, showing the total amount of oil produced during the quarter next preceding and the average market value thereof during said quarter; and providing that said individuals, companies, corporations and associations at the time of making said report shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to three (3) per cent of the total amount of all oil produced at the aver-

age market value thereof as shown by the report, the purpose of this amendment being to require three (3) per cent occupation tax in lieu of one and one-half per cent (1 1-2), and that the money obtained from the one and one-half per cent (1 1-2) additional tax shall go to the available school fund, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Cox offered the following amendment to the bill:

Amend House bill No. 115 by striking out the enacting clause.

Mr. Childers raised a point of order on further consideration of the bill at this time on the ground that the time for consideration of local bills has arrived.

The Speaker sustained the point of order.

HOUSE BILL NO. 323 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 323, A bill to be entitled "An Act creating and incorporating the Yorktown Independent School District in Dewitt county, Texas, containing the present Yorktown Independent School District and additional territory described in the field notes herein; providing that the school property be vested in such independent school district and that it assume all outstanding obligations of the school district included in the district created by this act; providing for a board of trustees for said district; defining the boundaries of said district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 330 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 330, A bill to be entitled "An Act creating the Laneville Independent School District of Rusk county; defining its boundaries; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor, and declaring an emergency."

The bill was read second time and was passed to engrossment.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 3, 1921.

Hon. Charles G. Thomas, Speaker of
the House of Representatives.

Sir: I am directed by the Senate to inform the House that the President of the Senate has, under the provisions of Senate Concurrent Resolution No. 10, providing for an investigation of the penitentiaries of Texas, appointed the following named Senators to act on the part of the Senate: Senators Williams, McMillin, Hertzberg and Lewis.

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

HOUSE BILL NO. 93 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 93, A bill to be entitled "An Act creating the LaGrange Independent School District in Fayette county, Texas; defining its boundaries; providing for a board of trustees in said district; providing that the present board of trustees shall continue in office until the expiration of their terms and their successors shall have been elected and qualified as provided by general law; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore voted upon the territory hereby incorporated as the LaGrange Independent School District shall remain in full force and effect; providing for the repeal of Chapter 2 of the Local and Special Laws passed by the Third Called Session of the Thirty-sixth Legislature, and declaring an emergency."

The bill was read second time.

Mr. Thomason offered the following (committee) amendment to the bill:

(1)

Amend House bill No. 93 by striking out all after the enacting clause and inserting the following:

Section 1. That the LaGrange Independent School District in Fayette county, Texas, is hereby created and established, and includes within its limits the following described territory, as shown by the following metes and bounds, to-wit:

Beginning at the north corner of the J. H. Moore one-half league;

Thence S. 45 degrees E. 1900 varas to the east corner thereof;

Thence S. 45 degrees E. 2658 varas to the east corner of Mrs. Louise Tiemann's 136 acres tract;

Thence N. 45 degrees E. with the southeast line of the John Eblin league 75 varas to the north corner of a 44 acres tract conveyed by R. Schulze's heirs to Chas. Michael;

Thence S. 45 degrees E. 1690 varas to Rocky creek;

Thence down Rocky creek to the Colorado river;

Thence down the Colorado river to the north corner of a 100 acres tract formerly owner by Caesar Hunter on the Anna Powell league;

Thence S. 45 degrees W. 3803 varas to the east corner of Gus Munke's 68 acres tract;

Thence N. 45 degrees W. 530 varas to the north corner of said 68 acres;

Thence S. 45 degrees W. 726 varas to the west corner of said 68 acres.

Thence N. 45 degrees W. 921 varas to the west corner of Virginia Faison's 220 acres tract;

Thence S. 45 W. with the line between the Anna Powell and S. Jones leagues 2250 varas to the south corner of Jos. Gleckler's 150 acres;

Thence N. 45 degrees W. 2815 varas to the north corner of Aug. Hausmann's 100 acres tract;

Thence S. 45 degrees W. with the southeast line of the David Berry league 400 varas to the east corner of Carl Muller's 33 acres tract;

Thence N. 45 degrees W. 752 varas to the north corner of said 33 acres tract;

Thence S. 45 degrees W. 430 varas to the south corner of a 110 acres tract formerly owned by Mrs. A. Helmcamp;

Thence N. 45 degrees W. 455 varas to the west corner of said 110 acres;

Thence S. 45 degrees W. 350 varas to the south corner of Louis Hausmann's 220 acres tract;

Thence N. 45 degrees W. 1200 varas to the west corner of J. F. Taylor's 24½ acres tract;

Thence S. 45 degrees W. with the southeast line of the John Castleman league 500 varas to the south corner of Annie Richard's 297 acres tract;

Thence N. 21 degrees W. 420 varas to Buckners creek;

Thence down Buckners creek in an eastern direction about 500 varas to the

south corner of Hy. Rainosek's 62 acres tract;

Thence N. 23 degrees W. 1397 varas to the west corner of said 297 acres;

Thence N. 45 degrees W. 530 varas to the west corner of J. F. Taylor's 100 acres tract;

Thence S. 45 Degrees W. 480 varas to the south corner of 260 acres owned by the estate of Jos. Wildner;

Thence N. 45 degrees W. 1880 varas to the west corner of said 260 acres;

Thence N. 45 degrees E. with the southeast line of the W. H. Taylor league 2530 varas to the south corner of Mary E. Manton's 200 acres tract;

Thence N. 45 degrees W. 880 varas to Hill's branch;

Thence down Hill's branch in a north-east direction about 800 varas to the Colorado river;

Thence down the Colorado river in an eastern direction to the mouth of Jordans creek on the Wm. Rabb 3 league grant;

Thence up Jordans creek in a north-eastern direction to the north corner of A. Hibner and others 195 acres tract;

Thence S. 39 varas E. 527 varas;

Thence south 250 varas to Smalley's creek;

Thence up Smalley's creek in a north-eastern direction to the southwest line of George Diers' 258 3-5 acres tract;

Thence S. 56 degrees E. 559 varas to the east corner of I. Anderson's 84 acres;

Thence S. 47 degrees E. 1300 varas to the north corner of the W. M. Eastland labor;

Thence S. 45 degrees E. 362 varas to another corner of said labor;

Thence S. 45 degrees E. 1000 varas to the east corner of Sidney Brown's 50 acres tract;

Thence N. 45 degrees E. 300 varas to the place of beginning.

Embracing within said limits the following surveys and parts of surveys, viz:

Wm. Rabb 3 leagues, 573 acres.

Fayette county school land, 472 acres.

W. M. Eastland labor, 177 acres.

Jas. Green labor, 133 acres.

W. H. Carson $\frac{1}{4}$ league, 1298 acres.

J. H. Moore $\frac{1}{4}$ league, 2224 acres.

John Eblin league, 2656 acres.

E. Savage league, 1281 acres.

W. H. Taylor league, 803 acres.

John Castleman league, 2689 acres.

David Berry league, 1336 acres.

Silas Jones league, 2466 acres.

Anna Powell league, 1067 acres.

Making a total area of 17,175 acres,

or 26.8 square miles, all in Fayette county, Texas.

Sec. 2. The title to all of the properties belonging to any and all public schools within the above described territory and district hereby created and to all property held in trust by any person or persons for the use and benefit of any and all of such schools is hereby divested from and out of such schools, districts and persons, and vested in the LaGrange Independent School District hereby created and its board of trustees and successors; and said LaGrange Independent School District shall be liable for and pay all indebtedness owing by the said schools included within the district hereby created, and shall carry out all of their contracts.

Sec. 3. The management and control of the public free schools within the district hereby created is hereby, to the exclusion of every other authority except the supervisory control of the State Superintendent of Public Instruction and the State Board of Education, vested in a board of trustees which shall be composed of seven persons, resident citizens and qualified voters within said district. The board of trustees heretofore elected and now serving for LaGrange Independent School District created by Chapter 2, Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Third Called Session, and as now existing, are hereby continued in office for the LaGrange Independent School District hereby created until their respective terms shall have expired and their successors shall have been elected and qualified as provided under the general laws of this State.

Sec. 4. The said LaGrange Independent School District, hereby created, shall have and exercise, and is hereby vested with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of this State for free school purposes only, and the board of trustees for the said LaGrange Independent School District shall have and exercise and is hereby vested and charged with all the rights, powers, privileges and duties conferred and imposed by the general laws of the State upon the trustees of independent school districts created and organized for free school purposes only, under the general statutes of this State.

Sec. 5. The local maintenance taxes heretofore voted by the qualified voters in any territory included within the independent school district hereby created

are hereby validated and continued in such territory and the district hereby established until such time as a majority of the qualified tax paying voters of this district shall increase, diminish or abolish same as is required under the general statutes of this State.

Sec. 6. As the district hereby created will have to supplement its apportionment from the State and county school funds by local taxation in order to maintain its schools for the scholastic year beginning September, 1921, any tax voted, as provided by the general laws of this State, during the current year 1921, for the maintenance of the schools in the district hereby created shall be and hereby is made collectible for the current year 1921, and all subsequent years, and may be assessed, levied and collected on or before the 31st day of January after such election, and thereafter annually, as provided by the general laws of this State until the tax paying voters of this district shall increase, diminish or abolish same as is provided under the general statutes of this State.

Sec. 7. In case any of the provisions of this act shall be held to be ineffective or unconstitutional, such action by the courts shall not invalidate the remaining parts of this act.

Sec. 8. All laws and parts of laws in conflict herewith are hereby repealed in so far as they conflict with this act.

(2)

Amend House bill No. 93 by striking out all preceding the enacting clause and insert in lieu thereof the following:

"An Act creating the LaGrange Independent School District in Fayette county, Texas; defining its boundaries; providing for a board of trustees; vesting title to all school property within said district in the trustees and their successors; charging said district with the payment of all indebtedness and the performance of all contracts of the schools included within the district; providing that the board of trustees heretofore elected and now serving for LaGrange Independent School District as now existing shall continue in office for the district hereby created until the expiration of their terms and their successors have been elected and qualified; authorizing the trustees to exercise all the rights and powers conferred by general laws upon trustees of independent school districts created for school purposes only under the general law; validating and continuing in force the local

maintenance taxes heretofore voted by the voters in any territory included within the district hereby created until the voters in the district hereby created increase, diminish or abolish such taxes in accordance with the general statutes; providing that any tax authorized by general laws and voted during 1921 shall be collected for the year 1921 and subsequent years, and may be assessed, levied and collected on or before January 31, after such election, and annually thereafter as provided by general law, until changed by a vote of the district; providing that if any part of this act is held ineffective or unconstitutional the remaining parts of this act shall not be invalidated; and repealing all laws and parts of laws in conflict herewith."

Mr. Wessels moved to table the (committee) amendment.

Mr. Lindsey moved the previous question on the pending motions, and the bill, and the main question was ordered.

Question first recurring on the motion to table the (committee) amendment, it was lost.

Question then recurring on the (committee) amendment, it was adopted.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 93 failed to pass to engrossment by the following vote:

Yeas—40.

Adams.	Lackey.
Aiken.	Laird.
Baker.	Lawrence.
Barrett of Fannin.	McKean.
Beasley	Mathes.
of McCulloch.	Morris of Medina.
Beavens.	Perry.
Black, W. A.,	Rice.
of Bexar.	Rogers of Shelby.
Branch.	Rosser.
Burmeister.	Rowland.
Chitwood.	Satterwhite.
Cummins.	Seagler.
Davis, John,	Shearer.
of Dallas.	Sneed.
Duncan.	Sweet of Brown.
Fly.	Sweet of Tarrant.
Fugler.	Teer.
Hall.	Thomason.
Henderson	Thompson
of McLennan.	of Harris.
Johnson	Thrasher.
of Wichita.	Wadley.

Nays—59.

Bass.	Binkley.
Beasley	Burns.
of Hopkins.	Carpenter.

Childers.	Melson.
Cox.	Menking.
Crawford.	Merriman.
Darroch.	Miller of Parker.
Davis, John E.,	Morris
of Dallas.	of Montague.
Edwards.	Mott.
Garrett.	Neblett.
Greer.	Owen.
Grissom.	Patman.
Hanna.	Perkins
Hardin.	of Cherokee.
Harrington.	Perkins of Lamar.
Harrison.	Pollard.
Henderson	Pope.
of Marion.	Quaid.
Horton.	Quinn.
Johnson	Rogers of Harris.
of Gillespie.	Schwepe.
Kacir.	Smith.
Kellis.	Stevenson.
Laney.	Stewart of Reeves.
Lauderdale.	Swann.
Leslie.	Thomas.
Lindsey.	of Limestone.
Looney.	Thompson
McFarlane.	of Red River.
McLeod.	Veatch.
Marshall.	

Present—Not Voting.

Baldwin.	Quicksall.
Barker.	Sims.
Bonham.	Stewart
Bryant.	of Edwards.
Jones.	Walker.
Miller of Dallas.	Williams
Moore.	of McLennan.

Absent.

Barrett of Bell.	Martin.
Black, O. B.,	Morgan.
of Bexar.	Neinast.
Brady.	Pool.
Brown.	Rountree.
Coffee.	Stephens.
Duffey.	Thorn.
Estes.	Wallace.
Hendricks.	Webb.
Hill.	Wessels.
Johnson of Ellis.	West.
King.	Williams
Kveton.	of Montgomery.
McDaniel.	Wright.
Malone.	

Absent—Excused.

Burkett.	Faubion.
Crumpton.	McCord.
Curtis.	Westbrook.
Dinkle.	

Mr. Owen moved to reconsider the vote by which the House refused to pass the bill to engrossment and asked to have the motion to reconsider spread on the Journal.

HOUSE BILL NO. 188 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 188. A bill to be entitled "An Act to amend Sections 2, 11, 13, 14, 15, 25 and 30, of Chapter 4, of the Special Laws of the Regular Session of the Thirty-fifth Legislature, entitled 'An Act to create a more efficient road law for Llano county, Texas, and to provide for the appointment of a superintendent of public roads, highways and bridges for Llano county, and to provide his qualifications, terms of office and salary, defining his duties and powers, and providing for punishment for violation of his duties; providing certain duties and powers of the commissioners' court of said county, and fixing the compensation of the commissioners for inspecting the roads in their respective precincts; providing for the appointment of road overseers, defining their duties, fixing their compensation for certain labor, and providing for punishment for violation of their duties; providing for persons subject to road duty in Llano county, and persons summoned to work the roads in said county to have the right to be relieved from the discharge of such duties upon the payment of specific sums of money herein stipulated, and providing for the accounting for and disposition to be made of the money so paid, and declaring an emergency."

The bill was read second time and passed to engrossment.

HOUSE BILL NO. 338 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 338, A bill to be entitled "An Act creating and incorporating the Lyford Independent School District in Cameron county, Texas, including the town of Lyford; defining its boundaries; providing for a board of trustees, and assuming all contracts, debts, including bonded indebtedness of Lyford Independent School District; investing said district with all the rights, privileges and duties of an independent school district created under the General Laws of the State of Texas for free school purposes only, and declaring an emergency."

The bill was read second time and passed to engrossment.

BILL ORDERED NOT PRINTED.

On motion of Mr. Sweet of Tarrant, it was ordered that House bill No. 324 be not printed.

HOUSE BILL NO. 247 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 247, A bill to be entitled "An Act creating a more efficient road system for Tyler county, Texas; providing that each commissioner of the same shall be ex-officio road commissioner of his precinct; providing for an inspection of roads, bridges and culverts by said commissioner; providing for bonds, compensation and duties, and providing for the work of delinquent poll tax payers on the public roads and relieving them from the performance of said road work by the payment of \$5.00; providing that the commissioners court shall have power to build roads, bridges, culverts, etc., by private contract; providing that the commissioners court may employ a superintendent who shall be an experienced civil engineer in road building; providing penalties for the violation of this act, and this act shall be cumulative of all general laws of this State not in conflict herewith; repealing Chapter 82, Special Laws, passed by the Thirty-second Legislature, and declaring an emergency."

The bill was read second time.

Mr. Lindsey offered the following amendment to the bill:

Amend House bill No. 247, line 7 of Section 3, original bill, by striking out figures and words "(fifteen hundred) \$1,500" and inserting in lieu thereof the words and figures "(twelve hundred) \$1,200."

The amendment was adopted.

House bill No. 247 was then passed to engrossment.

HOUSE BILL NO. 168 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 168, A bill to be entitled "An Act to amend Section 20 and to repeal Section 27 of Chapter 63, Acts of the Thirty-third Legislature, amending an act of the Thirtieth Legislature and fixing the compensation of county commissioners of Brazoria county when serving as road supervisors at \$2,250

per annum, and declaring an emergency."

The bill was read second time.

Mr. Crumpton offered the following amendment to the bill:

Amend House bill No. 168 by striking out Section 2, on page 2, and amending caption to conform thereto.

The amendment was adopted.

House bill No. 168 was then passed to engrossment.

HOUSE BILL NO. 324 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 324, A bill to be entitled "An Act authorizing the Polytechnic Heights Independent School District No. 42 of Tarrant county to levy and collect taxes, for issuance of bonds to the amount not to exceed fifty cents on the one hundred dollar valuation, declaring an emergency, and the repeal of all laws conflicting with any part of this act."

The bill was read second time and was passed to engrossment.

NOTICE GIVEN.

Mr. Rogers of Harris gave notice that he would on tomorrow call up for consideration at that time House bill No. 51, which bill has heretofore been read second time and laid on the table subject to call.

RECESS.

On motion of Mr. Miller of Dallas, the House, at 5:20 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

APPENDIX.**STANDING COMMITTEE REPORTS.**

The following standing committees filed favorable reports today on bills, as follows:

Banks and Banking—House bills Nos. 216, 22, 220, and 219.

Roads, Bridges and Ferries—House bills Nos. 11, 247, and 188.

Oil, Gas and Mining—House bill No. 185.

Counties—House bills Nos. 252 and 308.

State Affairs—House bills Nos. 329 and 275.

Education—House bill No. 324.

Conservation and Reclamation—House bills Nos. 354 and 243.

Public Printing—House bill No. 278.

The following standing committees filed adverse reports today on bills, as follows:

Stock and Stock Raising—House bill No. 150.

Banks and Banking—House bills Nos. 218 and 214.

State Affairs—House bill No. 267.

EIGHTEENTH DAY.

(Continued.)

(Friday, February 4, 1921.)

The House met at 10 o'clock a. m., and was called to order by Speaker Thomas.

CALL OF THE HOUSE ORDERED.

Mr. Burmeister moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 115, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called, and a quorum was announced present.

HOUSE BILL NO. 115 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 115, requiring owners, etc., of oil wells to make quarterly reports, on its passage to engrossment, with amendment by Mr. Cox, striking out the enacting clause of the bill, pending.

Mr. Pope offered the following amendments to the bill:

Amend House bill No. 115, line 8, page 2, by inserting "2 per cent" in lieu of "3 per cent" and on line 19, page 2, by inserting "½ per cent" in lieu of "1½ per cent."

Amend House bill No. 115, lines 23 and 25, page 1, by inserting "2 per cent" in lieu of "3 per cent," and by inserting in lines 26 and 27, page 1 "½ per cent" in lieu of "1½ per cent."

Mr. Cox then withdrew the amendment striking out the enacting clause of the bill.

Mr. McFarlane offered the following substitutes for the amendments:

Amend House bill No. 115, lines 23 and 25, page 1, by inserting "1 per cent" in lieu of "3 per cent," and by inserting in lines 26 and 27, page 1, "½ per cent" in lieu of "1½ per cent."

Amend House bill No. 115, line 8, page 2, by inserting "1 per cent" in lieu of "3 per cent," and on line 19, page 2, by inserting "½ per cent" in lieu of "1½ per cent."

Mr. Lawrence moved to table the substitutes.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—110.

Adams.	Hendricks.
Aiken.	Hill.
Baker.	Horton.
Baldwin.	Johnson
Barker.	of Gillespie.
Barrett of Fannin.	Johnson of Ellis.
Bass.	Kacir.
Beasley	Kellis.
of Hopkins.	King.
Beasley	Kveton.
of McCulloch.	Laird.
Black, O. B.,	Lauderdale.
of Bexar.	Lawrence.
Bonham.	Leslie.
Branch.	Lindsey.
Bryant.	Looney.
Burmeister.	McDaniel.
Burns.	McKean.
Carpenter.	McLeod.
Childers.	Martin.
Chitwood.	Marshall.
Coffee.	Mathes.
Cox.	Melson.
Crawford.	Miller of Dallas.
Cummins.	Miller of Parker.
Darroch.	Moore.
Davis, John E.,	Morris of Medina.
of Dallas.	Morris
Davis, John,	of Montague.
of Dallas.	Neblett.
Dinkle.	Owen.
Duffey.	Patman.
Duncan.	Perkins
Edwards.	of Cherokee.
Estes.	Perkins of Lamar.
Fly.	Perry.
Fugler.	Pollard.
Garrett.	Pool.
Greer.	Pope.
Grissom.	Quaid.
Hanna.	Quicksall.
Hardin.	Quinn.
Harrington.	Rice.
Harrison.	Rogers of Harris.
Henderson	Rogers of Shelby.
of McLennan.	Rosser.
Henderson	Rowland.
of Marion.	Satterwhite.